

AN ACT  
RELATING TO AND MAKING TRANSPORTATION AND OTHER  
INFRASTRUCTURE-RELATED APPROPRIATIONS TO THE DEPARTMENT  
OF TRANSPORTATION, INCLUDING ALLOCATION AND USE OF MONEYS  
FROM THE ROAD USE TAX FUND AND THE PRIMARY ROAD FUND,  
PROVIDING FOR PROPERLY RELATED MATTERS, AND MAKING PENALTIES  
APPLICABLE.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

DIVISION I  
APPROPRIATIONS

Section 1. ROAD USE TAX FUND. There is appropriated from the road use tax fund created in section 312.1 to the department of transportation for the fiscal year beginning July 1, 2010, and ending June 30, 2011, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

1. For the payment of costs associated with the production of driver's licenses, as defined in section 321.1, subsection 20A:

..... \$ 3,876,000

Notwithstanding section 8.33, moneys appropriated in this subsection that remain unencumbered or unobligated at the close of the fiscal year shall not revert but shall remain available for subsequent fiscal years for the purposes specified in this subsection.

2. For salaries, support, maintenance, and miscellaneous purposes:
  - a. Operations:  
..... \$ 6,654,962
  - b. Planning:  
..... \$ 506,127
  - c. Motor vehicles:  
..... \$ 35,604,012
3. For payments to the department of administrative services for utility services:  
..... \$ 225,000
4. Unemployment compensation:  
..... \$ 7,000
5. For payments to the department of administrative services for paying workers' compensation claims under chapter 85 on behalf of employees of the department of transportation:  
..... \$ 137,000
6. For payment to the general fund of the state for indirect cost recoveries:  
..... \$ 78,000
7. For reimbursement to the auditor of state for audit expenses as provided in section 11.5B:  
..... \$ 67,319
8. For automation, telecommunications, and related costs associated with the county issuance of driver's licenses and vehicle registrations and titles:  
..... \$ 1,406,000
9. For transfer to the department of public safety for operating a system providing toll-free telephone road and weather conditions information:  
..... \$ 100,000
10. For costs associated with the participation in the Mississippi river parkway commission:  
..... \$ 40,000
11. For membership in North America's supercorridor coalition:  
..... \$ 50,000
12. For motor vehicle division field facility maintenance projects at various locations:  
..... \$ 200,000

For purposes of section 8.33, unless specifically provided otherwise, moneys appropriated in this subsection that remain unencumbered or unobligated shall not revert but shall remain

available for expenditure for the purposes designated until the close of the fiscal year that ends three years after the end of the fiscal year for which the appropriation was made. However, if the projects for which the appropriation was made are completed in an earlier fiscal year, unencumbered or unobligated moneys shall revert at the close of that same fiscal year.

Sec. 2. PRIMARY ROAD FUND. There is appropriated from the primary road fund created in section 313.3 to the department of transportation for the fiscal year beginning July 1, 2010, and ending June 30, 2011, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

1. For salaries, support, maintenance, miscellaneous purposes, and for not more than the following full-time equivalent positions:

a. Operations:  
..... \$ 40,951,274  
..... FTEs 312.00

b. Planning:  
..... \$ 9,610,960  
..... FTEs 131.00

c. Highways:  
..... \$237,565,726  
..... FTEs 2,452.00

d. Motor vehicles:  
..... \$ 1,555,005  
..... FTEs 478.00

2. For payments to the department of administrative services for utility services:  
..... \$ 1,382,000

3. Unemployment compensation:  
..... \$ 138,000

4. For payments to the department of administrative services for paying workers' compensation claims under chapter 85 on behalf of the employees of the department of transportation:  
..... \$ 3,278,000

5. For disposal of hazardous wastes from field locations and the central complex:  
..... \$ 800,000

6. For payment to the general fund of the state for indirect cost recoveries:  
..... \$ 572,000

7. For reimbursement to the auditor of state for audit expenses as provided in section 11.5B:	
.....	\$ 415,181
8. For costs associated with producing transportation maps:	
.....	\$ 242,000
9. For inventory and equipment replacement:	
.....	\$ 2,250,000
10. For utility improvements at various locations:	
.....	\$ 400,000
11. For roofing projects at various locations:	
.....	\$ 200,000
12. For heating, cooling, and exhaust system improvements at various locations:	
.....	\$ 200,000
13. For deferred maintenance projects at field facilities throughout the state:	
.....	\$ 1,000,000
14. For federal Americans With Disabilities Act improvements at various locations:	
.....	\$ 120,000
15. For elevator upgrades at the Ames complex:	
.....	\$ 100,000
16. For wastewater treatment improvements at various locations:	
.....	\$ 1,000,000

For purposes of section 8.33, unless specifically provided otherwise, moneys appropriated in subsections 10 through 16 that remain unencumbered or unobligated shall not revert but shall remain available for expenditure for the purposes designated until the close of the fiscal year that ends three years after the end of the fiscal year for which the appropriation was made. However, if the project or projects for which such appropriation was made are completed in an earlier fiscal year, unencumbered or unobligated moneys shall revert at the close of that same fiscal year.

DIVISION II  
MISCELLANEOUS STATUTORY CHANGES

Sec. 3. Section 321.1, subsection 4, Code Supplement 2009, is amended to read as follows:

4. *"All-terrain vehicle"* means a motor vehicle designed to travel on three or more wheels and designed primarily for off-road recreational use ~~but not including~~. *"All-terrain vehicle"* includes off-road utility vehicles as defined

in section 321I.1, but does not include farm tractors or equipment, construction equipment, forestry vehicles, or lawn and grounds maintenance vehicles.

Sec. 4. Section 321.234A, subsection 1, paragraph a, Code 2009, is amended to read as follows:

a. The operation is between sunrise and sunset and is incidental to the vehicle's use for agricultural purposes. For purposes of this paragraph, "incidental to the vehicle's use for agricultural purposes" includes stopping in the course of agricultural use to obtain fuel for the all-terrain vehicle or to obtain food or a nonalcoholic beverage for the operator.

Sec. 5. Section 321.234A, subsection 1, Code 2009, is amended by adding the following new paragraph:

NEW PARAGRAPH. f. The all-terrain vehicle is operated on a county roadway in accordance with section 321I.10, subsection 2, or a city street in accordance with section 321I.10, subsection 3.

Sec. 6. Section 321.445, subsection 2, Code 2009, is amended to read as follows:

2. a. The driver and front seat occupants of a type of motor vehicle that is subject to registration in Iowa, except a motorcycle or a motorized bicycle, shall each wear a properly adjusted and fastened safety belt or safety harness any time the vehicle is in forward motion on a street or highway in this state except that a child under ~~eleven~~ eighteen years of age shall be secured as required under section 321.446.

b. This subsection does not apply to:

~~a.~~ (1) The driver or front seat occupants of a motor vehicle which is not required to be equipped with safety belts or safety harnesses.

~~b.~~ (2) The driver and front seat occupants of a motor vehicle who are actively engaged in work which requires them to alight from and reenter the vehicle at frequent intervals, providing the vehicle does not exceed twenty-five miles per hour between stops.

~~c.~~ (3) The driver of a motor vehicle while performing duties as a rural letter carrier for the United States postal service. This exemption applies only between the first delivery point after leaving the post office and the last delivery point before returning to the post office.

~~d.~~ (4) Passengers on a bus.

~~e.~~ (5) A person possessing a written certification from a health care provider licensed under chapter 148 or 151 on a

form provided by the department that the person is unable to wear a safety belt or safety harness due to physical or medical reasons. The certification shall specify the time period for which the exemption applies. The time period shall not exceed twelve months, at which time a new certification may be issued unless the certifying health care provider is from a United States military facility, in which case the certificate may specify a longer period of time or a permanent exemption.

~~f.~~ (6) Front seat occupants of an authorized emergency vehicle while they are being transported in an emergency. However, this exemption does not apply to the driver of the authorized emergency vehicle.

c. The department, in cooperation with the department of public safety and the department of education, shall establish educational programs to foster compliance with the safety belt and safety harness usage requirements of [this subsection](#).

Sec. 7. Section 321.445, subsection 3, Code 2009, is amended to read as follows:

3. The driver and front seat passengers may be each charged separately for improperly used or nonused equipment under [subsection 2](#). However, the driver shall not be charged for a violation committed by a passenger who is fourteen years of age or older unless the passenger is unable to properly fasten a seat belt due to a temporary or permanent disability. The owner of the motor vehicle may be charged for equipment violations under [subsection 1](#).

Sec. 8. Section 321.446, subsections 2 and 3, Code 2009, are amended to read as follows:

2. A child at least six years of age but under ~~eleven~~ eighteen years of age who is being transported in a motor vehicle subject to registration, except a school bus or motorcycle, shall be secured during transit by a child restraint system that is used in accordance with the manufacturer's instructions or by a safety belt or safety harness of a type approved under [section 321.445](#).

3. [This section](#) does not apply to ~~peace~~ the following:

a. Peace officers acting on official duty. ~~[This section](#)~~  
~~also does not apply to the~~

b. The transportation of children in 1965 model year or older vehicles, authorized emergency vehicles, buses, or motor homes, except when a child is transported in a motor home's passenger seat situated directly to the driver's right. ~~[This section](#)~~ does not apply to the

c. The transportation of a child who has been certified by a physician licensed under [chapter 148](#) as having a medical, physical, or mental condition that prevents or makes inadvisable securing the child in a child restraint system, safety belt, or safety harness.

d. A back seat occupant of a motor vehicle for whom no safety belt is available because all safety belts are being used by other occupants or cannot be used due to the use of a child restraint system in the seating position for which a belt is provided.

Sec. 9. Section 321.446, subsection 4, Code 2009, is amended by striking the subsection and inserting in lieu thereof the following:

4. A person who violates this section is guilty of a simple misdemeanor punishable as a scheduled violation under section 805.8A, subsection 14, paragraph "c". Violations shall be charged as follows:

a. An operator who transports a passenger under fourteen years of age in violation of subsection 1 or 2 may be charged with a violation of this section.

b. If a passenger fourteen years of age or older is unable to properly fasten a seatbelt due to a temporary or permanent disability, an operator who transports such a person in violation of subsection 2 may be charged with a violation of this section. Otherwise, a passenger fourteen years of age or older who violates subsection 2 shall be charged in lieu of the operator.

c. If a child under fourteen years of age, or a child fourteen years of age or older who is unable to fasten a seatbelt due to a temporary or permanent disability, is being transported in a taxicab in a manner that is not in compliance with subsection 1 or 2, the parent, legal guardian, or other responsible adult traveling with the child shall be served with a citation for a violation of this section in lieu of the taxicab operator. Otherwise, if a passenger being transported in the taxicab is fourteen years of age or older, the citation

shall be served on the passenger in lieu of the taxicab operator.

Sec. 10. Section 321I.10, subsections 1, 2, and 3, Code Supplement 2009, are amended to read as follows:

1. A person shall not operate an all-terrain vehicle or off-road utility vehicle upon roadways or highways except as provided in [section 321.234A](#) and [this section](#).

2. A registered all-terrain vehicle or off-road utility vehicle may be operated on the roadways of that portion of county highways designated by the county board of supervisors for such use during a specified period. The county board of supervisors shall evaluate the traffic conditions on all county highways and designate roadways on which all-terrain vehicles or off-road utility vehicles may be operated for the specified period without unduly interfering with or constituting an undue hazard to conventional motor vehicle traffic. In designating such roadways, the board may authorize all-terrain vehicles and off-road utility vehicles to stop at service stations or convenience stores along a designated roadway.

3. Cities may designate streets under the jurisdiction of cities within their respective corporate limits which may be used for the ~~sport of driving~~ operation of registered all-terrain vehicles or registered off-road utility vehicles. In designating such streets, the city may authorize all-terrain vehicles and off-road utility vehicles to stop at service stations or convenience stores along a designated street.

Sec. 11. Section 322D.1, subsection 1, Code 2009, is amended to read as follows:

1. "*All-terrain vehicle*" means ~~the same as defined in~~ [section 321I.1](#) a motor vehicle designed to travel on three or more wheels and designed primarily for off-road recreational



use but not including farm tractors or equipment, construction equipment, forestry vehicles, or lawn and grounds maintenance vehicles.

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JOHN P. KIBBIE  
President of the Senate

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PATRICK J. MURPHY  
Speaker of the House

I hereby certify that this bill originated in the Senate and is known as Senate File 2381, Eighty-third General Assembly.

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MICHAEL E. MARSHALL  
Secretary of the Senate

Approved \_\_\_\_\_, 2010

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CHESTER J. CULVER  
Governor